

IN THE DRAWINGS:

Formal drawings have been previously supplied.

REMARKS

In response to the Examiner's Office Action of February 23, 2005, Applicants are presenting the following remarks for consideration.

Amendments to the specification have been provided to correct certain phrases as shown in the attached Amendment. Additionally, the claims have now been amended so that claim 1 now includes the limitations of former claims 3, 4 and 5. Likewise, claim 6 now includes the limitations of former claims 7-10. Claims 11-14 have been cancelled, and there have been added a new set of claims as claims 15-20.

Basically, the Examiner has rejected the original claims for obviousness under 35 USC 103(a). Now, in view of the amended claims and the newly-provided claims, Applicants' would hereby traverse Examiner's considerations as to obviousness.

It is noted that Examiner has taken bits and pieces of various patent and document citations, and conglomerated these bits and pieces in order to re-invent (from hindsight) the invention of Applicants. Thus, Examiner has used the Broulik Reference A, the Johnson Reference B, the Cromer Reference C, and Saulpaugh Reference D, the Ndumu Reference E, and the Match Reference U, in order to pick and choose various aspects of these references, and to contend that these could be all put together to form the substance of Applicants' invention.

Firstly, it should be indicated that the bits and pieces cited by Examiner could not be integrated into one particular engineering system, such as developed by Applicants, since each of these is specific to a certain type of computer network which has its own special peculiarities.

Secondly, it is improper for the Examiner to select these bits and pieces for integration when there is no statement or suggestion in these references as to how the other cited references could be integrated into their configuration to form a

workable configuration. Subsequently herein, Applicants will cite a number of legal citations and court decisions which militate against the selection of bits and pieces from hindsight in order to re-create Applicants' invention.

As a first general survey of the cited references, the following will indicate how each of these references operate in a private world of its own which is not easily applicable to Applicants' configuration.

The invention of Broulik, U.S. Patent 5,323,881, involves a GUI server and a method for a telecommunications node. It was designed for a PC based browser to interface with a mainframe server. Quite differently, Applicants' configuration is about a PC client used to perform various database operations, such as -- backing a database --- using the database backup to recover the database --- archiving database or logs --- retrieving database logs --- verifying database files ---.

The U.S. Patent 6,823,464 cited to Cromer, is an invention about data processing at the firmware level (POST and BIOS). Quite differently, Applicants' configuration is about a mainframe data management system, where firmware has no relevance to Applicants' system network. BIOS is used in PCs.

The Johnson U.S. Patent 5,237,700 is about hardware. Quite differently, Applicants' configuration is about the software applied in a data management system.

The Ndumu U.S. Patent 6,314,555 is devoted to an Editor and its agent. Quite differently again, Applicants' configuration is for a data management system. A data management system is a quite different operating network from that of an Editor. A database transaction must have certain properties which are often designated as ACID which refers to (1) Atomic (2) Consistency (3) Isolation (4) Durable properties.

To qualify as a transaction, a single unit of work must adhere to these ACID properties of atomicity, consistency, isolation, and durability. To summarize this:

1. *Atomic*: For a transaction to be atomic, all of its data modifications are performed, or else none of them are performed.
2. *Consistency*: To be consistent, a completed transaction must leave all data in a consistent, logically correct state.
3. *Isolation*: To meet the isolation property, a transaction reads data in the state it was in before another concurrent transaction has modified it (without yet committing the transaction). Concurrent modifications that are in progress do not affect the transaction.
4. *Durable*: To meet the durability property, the modifications of a transaction will persist (for example, remain in the database, even if there is a system failure). After a commit is acknowledged, the system must guarantee that the transaction persists.

The cited Reference A to Broulik is entitled "Web Based GUI Server And Method For A Telecommunications Node", U.S. Patent 6,323,881 B1. This relates to a Web-based Graphical User Interface (GUI) server and method for a telecommunications node, which is particularly concerned with applications to craft user interfaces.

The object of Broulik is to provide an improved Web-based GUI server and method for a telecommunications node.

As indicated in Broulik claim 1, he provides a --- Web-based Graphical User Interface server for a telecommunications node comprising:

- (a) a module for creating a predetermined number of interface tasks at initialization; and
- (b) a session manager for establishing a session and associating and activating one of the predetermined number of interfaced tasks with the session; the

session manager maintaining a plurality of type of session handle for tagging requests from a browser communicating with the telecommunications node, wherein a particular type of session handle is assigned to all requests associated with a particular session, wherein the plurality of types of session handle is the same as the predetermined number of interfaced tasks.

In regard to Applicants' original claim 1(b) on detecting a response from said suspended task --- Examiner has cited Broulik, column 5, lines 1-4.

Broulik here states --- the session handle then serves as an association between all browsers' requests (transactions) and this particular CGI task 44 thereby forming a session task ----.

It should be indicated here that this citation by Examiner does not indicate in any manner that Broulik's method there --- is detecting a response from said suspended task, as done by Applicants.

In Applicants' original claim 1(d) regarding "handling said response" --- Examiner has cited Broulik, column 7, lines 40-42. This states --- the session manager 42 keeps track of the state of the CGI tasks 44-50. The session manager 42 also generates the session handles and assigns them to a session ---.

Here, it should be noted that Examiner's citation here does not involve nor teach Applicants' handling of a response from the suspended task, as is done by Applicants.

In regard to Applicants' original claim 1(e) on -- activating said suspended task with said response ---. Here, Examiner has cited the Broulik, column 7, lines 44-47, which state --- each CGI task 44-50 is activated for the duration of a session, by a session manager 42. When the session is terminated, the CGI task is once again suspended ----.

It should now be indicated that this statement of Broulik does not cover the Applicants' clause (e) of activating said suspended task with said response.

In regard to Applicants' original claims 3(a) and (b), where Examiner cites Broulik column 5, lines 4-7, which states --- when creating a session, the session CGI task 44 checks all the requirements for a secure connection (authentication, validity of a password, etc.). The session CGI task request queue is then initialized and activated ---.

Thus, regarding Applicant's original claim 3, clauses (a) and (b), it can be seen that this Broulik statement does not -- determine if a database control file exists on the mainframe server, nor does it determine if the client has a privilege to access the mainframe server, as accomplished by Applicants.

In regard to Applicants' original claim 5(c), Examiner has cited Broulik, column 5 lines 25-30 which state --- if the request is a command, i.e., user wants to perform some action such as listing all alarms, the CGI task 44 converts the CGI request into appropriate application call, to telecom applications 54 and gets the application reply data. The reply data are then converted into an HTML file and sent back through the server 30 (or the proxy 28 if the request came from a remote browser) to the originating browser 40 ---.

Here, it should be noted that Examiner's citation of Broulik does not cover Applicants' clause (c) which involves making an operating system call on said mainframe server to submit said response for said suspended task to said client.

Examiner has cited the Reference B to Johnson, entitled "Exception Handling Processor For Handling First And Second Level Exceptions With Reduced Exception Latency", U.S. Patent 5,237,700. Basically, the Johnson reference involves a processor, comprising: (a) normal program means for serially processing instructions (b) first means coupled to said normal

program means for tracking each instruction in process according to its respective process stage (c) exception handler means coupled to said normal program means for processing first level exception processing instructions (d) second means coupled to said exception handler means for tracking in tandem with said first means, each instruction and process in said normal program means Here, Johnson is seen to be involved with different levels of exception handling.

Now, in regard to Applicants' original claim 1(c) regarding --- monitoring said response from said suspended task --- here, the Examiner has cited, the Johnson reference, column 5, lines 32-34, which basically state --- the monitor mode bit, when set, informs the normal program means 12 and the exception handler 15 that the monitor means 20 is in the process of handling a second level exception condition.

This statement of Johnson does not correlate to Applicants' claim 1, clause (d) for handling said response which is a response from a suspended task.

In regard to Applicants' original claim 4, clauses (a) and (b), Examiner has cited Broulik column 4, lines 38-42, and Broulik column 4, lines 52-56.

A review of these two sections of Broulik do not indicate any teaching that correlates to determining if the responses are from the mainframe server or from the client.

The Reference C to Cromer is entitled "Method Of Providing Enhanced Security In A Remotely Managed Computer System", U.S. Patent 6,823,464 B2. This patent involves the provision of remote management of data processing systems extending to "hard locked" security information for a data processing system. A trusted entity generates an authentication hash from a chain request and the current password would involve hard-locked security information for comparing the buffered hash with the generated hash. If a match is determined, the security

information is updated. This does not teach Applicants' method for exception handling.

The Reference D to Saulpaugh is entitled "Object Oriented Message Passing System And Method", U.S. Patent 5,590,334. This involves an object oriented message passing system for transferring messages between a client task and a server task, which involves an object database, an object management unit, a message transaction unit, and a locking unit.

In regard to Applicants' original claim 4(c), Examiner has cited the Saulpaugh column 8, lines 55-60. This citation involves the provision of information related to a port object 54 in response to a port object examined request from a server task 34, which modifies data fields within the port object 54 in response to a port object modification request and deletes port objects 52 in response to a port object deletion request.

This statement from Saulpaugh does not indicate Applicants' claim 4, clause (c) for determining if a server response has been issued, and if so, canceling said response from said client.

In regard to Applicants' original claim 5(b), the Examiner has cited the Ndumu U.S. Patent, 6,314,555, at column 8, lines 65-67, and column 9, lines 1-5. This reference discusses a method handler 205 which continually pulls the IN tray of the mailbox 200 for new incoming messages, which it dispatches to other relevant components of the agent for detailed processing.

It should be indicated that this so-called teaching of Ndumu does not correlate to -- Applicants' original claim 5, clause (b) of --- said response from said service program to a server program on said mainframe server. (This is now clause (d2) of amended claim 1.)

In regard to the referenced citations that Examiner has cited under 35 USC 103(a), it should be noted that Broulik does not explicitly teach the clause regarding monitoring said response. Then, Examiner cites the Johnson reference, and says

that Johnson has a monitor means 20 in the process of handling a second level exception condition.

The handling of second level exception condition, is a complex process which would not easily fit engineering-wise, into Broulik nor into Applicants' configuration. The Broulik reference has not made any indication or suggestion that such monitoring should be included in his network.

Regarding Applicants' original claim 2, here, the Examiner has cited Broulik, Johnson and David Black, as being or showing the aspects of Applicants' claim 2. Again, it is improper for Examiner to select bits and pieces and combine them in order to recreate Applicants' invention.

Further, regarding the Applicants' original claim 2, Broulik and Johnson do not teach that a suspended task may have resulted from a program exception. But then, Examiner cites David Black (the Mach exception), and says he teaches that a suspended task may have resulted from a program exception. It should be remarked that where Black indicated that a fatal exception can cause the execution state of a program to be saved for later examination, (Section 3, lines 12-15) --- it should be noted that neither Broulik nor Johnson have indicated or suggested that such a task should be included into their configurations.

Regarding Applicants' original claim 3, Examiner has indicated that Broulik and Johnson do not explicitly teach the return of an error signal, but that Cromer does teach the return of an error. However, it should be noted that neither Broulik nor Johnson suggests or intimates that a feature, such as Cromer's return of an error, should be used or included in the Broulik or Johnson networks.

In regard to Applicants' original claim 4, Examiner has indicated that Broulik and Johnson do not teach the canceling of said response, but that the Saulpaugh references teaches the canceling of a response, where Saulpaugh indicates that --- he

deletes port objects 52 in response to a port object deletion request, at his column 8, lines 55-60. Here again, it should be noted that neither Broulik nor Johnson suggests or intimates the task of canceling such responses.

Regarding Applicants' original claim 5, again, Examiner has indicated that Broulik and Johnson do not explicitly teach the sending of the said response from the client to a service program and from the service program to a server program, but that Ndumu teaches a response from the client to a service program and from a service program to a server program -- where Examiner cites the mailbox 200 for new incoming messages which it dispatches to other relevant components of the agent.

Here again, neither Broulik nor Johnson give any suggestion or intimation that the task taught by Ndumu should be included in their configuration.

Now, in regard to the Examiner's use of multiple references and picking and choosing the selected statements and items from some 6 different references in order to re-assemble and re-create Applicants' invention, it should be indicated that this is an improper action which will be indicated by a set of Court decisions and legal citations shown hereinbelow.

For example, in the case of In re Jones, 958 Fed.2d, p.347, 21 USPQ2d, pp.1941, 1943 (Fed.Cir.1992), and was stated as follows:

Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, there must be some suggestion for doing so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (underlines added)

Further, in the case of Uniroyal, Inc. v. Rudkin-Wyley Corp., 837 F.2d, p.1044, and 5 USPQ2d, p. 1334, (Fed.Cir.1988), where it was stated:

When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the prior art as a whole must suggest desirability, and thus, the obviousness of making the combination. It is impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention.

The case of In re Lee, decided January 18, 2002 by the U.S. Court of Appeals, Federal Circuit, as reported at USPQ2d, p.1430, indicated as follows:

Rejection of patent application for obviousness under 35 USC 103 must be based on evidence comprehended by language in that section, and search for analysis of prior art includes evidence relevant to finding of whether there is teaching, motivation, or suggestion to select and combine references relied on as evidence of obviousness; factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record, and Board of Patent Appeals and Interferences must explain reasons why one of ordinary skill and art would have been motivated to select references and to combine them to render claimed invention obvious. (underlines added)

Here, in the above case of In re Lee, the Federal Circuit said that in vacating an obviousness ruling of the Board of Patent Appeals and Interferences, the Court pointed out that conclusory statements about an invention and prior art teaching

cannot adequately address the factual issue of a motivation to combine references. Notwithstanding, a 1969 case that recognized common knowledge in an obviousness determination, the Court pointed out that, under the Administrative Procedure Act, an obviousness determination relying on general knowledge requires that such knowledge be articulated in the record as "reasoned findings".

As previously noted, Applicants have added new claims 15-20 inclusive, which claims cover the procedures involved in Applicants' Figs. 2-6. It should be noted that this sequence of operations as indicated in these drawings and claims will show the specific operational value involved in handling exception conditions, that is to say, suspended tasks, in a configuration setting which involves database operations.

Now, with the set-up of these amended claims and the newly added claims, it should be sufficiently clear that Applicants have provided a configuration which is specially focused on handling suspended tasks in a particular manner for a system involving database operations. In this regard, it is now respectfully requested that the Examiner consider this configuration and the claims as a whole in their entirety, and subsequently provide a timely Notice of Allowance therefor.

Respectfully submitted,

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Date: May 16, 2005

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